



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia
Chambres Extraordinaires au sein des Tribunaux Cambodgiens

**ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ**

Kingdom of Cambodia
Nation Religion King
Royaume du Cambodge
Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber
Chambre de première instance

ឯកសារដើម
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Data de reception):
.....15..... /06..... /2014.....
ម៉ោង (Time/Heure):
.....13:30.....
មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier:
.....Sann Rads.....

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

6 April 2016 - Trial Day 396

Prepared by:

Ms. Sivhoang CHEA and Ms. Evelyn CAMPOS SANCHEZ

<u>Attendance Record</u>
Before: Judge NIL Nonn (President), Judge YA Sokhan, Judge YOU Ottara, Judge Claudia FENZ, Judge Jean-Marc LAVERGNE
Reserve Judges: Judge THOU Mony, Judge Martin KAROPKIN
Greffiers: Ms. Sivhoang CHEA; Ms. Evelyn CAMPOS SANCHEZ
OCP: Mr. Nicholas KOUMJIAN, Mr. SENG Leang
Accused: Mr. NUON Chea (holding cell); Mr. KHIEU Samphan.
Defence for the Accused NUON Chea: Mr. Victor KOPPE; Mr. LIV Sovanna
Defence for the Accused KHIEU Samphan: Ms. Anta GUISSÉ; Mr. KONG Sam Onn
Standby Counsels for the Accused KHIEU Samphan: Ms. TOUCH Voleak; Mr. Calvin SAUNDERS
Civil Parties: Mr. PICH Ang; Ms. Marie GUIRAUD; Mr. VEN Pov, Mr. HONG Kimsuon; Mr. LOR Chunty; Ms. CHET Vanly, Ms. Sin Soworn
Witness: Mr. SOS Kamri (2-TCW-827)
Others: Mr. UCH Arun (Court Officer), Ms. SOUR Sotheavy (Associate Court Officer), Ms. SOK Sopheakmonica (Transcriber), Mr. MEACH Sovanna (Transcriber), Ms. PICH Charkya (Transcriber), Ms. SREY Nak (Trasncriber), Mr. LONH Nget (Transcriber), Hannah Kim (Intern), Mr. KEO Vath.

<u>General court times</u>		
Day	Start time: 9:02	Finish time: 16:04
Recess am	Start time: 10:15	Finish time: 10:31
Recess	Start time: 11:33	Finish time: 13:31
Recess pm	Start time: 14:42	Finish time: 15:01
	Total Court Time:	

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Opening of hearing and report on attendance of the Parties	Trial Chamber, Greffier	9:02	9:03
NUON Chea Defence Requests to follow the proceedings from the holding cell	NUON Chea Defence	9:03	9:04
Hearing of witness SOS Kamri (2-TCW-827)	Trial Chamber, President	9:06	9:14
	Co-Prosecutors	9:14	10:15
	Civil Parties Lawyer	10:55	10:59
	NUON Chea Defence	10:59	15:13
	KHIEU Samphan Defence	15:13	16:02
Clarification on Internal Rule 24.1	NUON Chea Defence, Victor KOPPE	9:32	9:40
	Trial Chamber, President	9:32	9:36
	Co-Prosecutors	9:37	9:38
Internal Rule 87.4 request to have document D175/3.43 admitted into evidence	KHIEU Samphan Defence	11:13	11:18

Summary of Proceedings

Opening of hearing and report on attendance of the Parties

The President opened the proceedings and the Greffier informed the Trial Chamber that all Parties were present. The Accused NUON Chea was present in the holding cell.

NUON Chea Defence Requests to follow the proceedings from the holding cell

The Trial Chamber granted the request of NUON Chea to waive his right to be present in the courtroom and to follow the proceedings from the holding cell.

Hearing of witness SOS Kamri (2-TCW-827)

The Trial Chamber, Co-Prosecutors, Civil Parties Lawyer, NUON Chea Defence and KHIEU Samphan Defence posed questions to witness SOS Kamrei (2-TCW-827).

Clarification on Internal Rule 24.1 regarding witness 2-TCW-827 choosing, before testimony, to make an affirmation he will tell the truth instead of taking an oath

Victor Koppe questioned the Chamber as to why the witness had not taken an oath before his testimony, and whether this entailed that he be providing an unsworn statement. The President verified that, under Internal Rule 24.1, there are two possibilities for the witness: take an oath on

his religion or confirm that he will only be telling the truth based on his knowledge. The witness had not taken an oath before the OCIJ as, under the witness' religion, it is not necessary for the religion's leaders to take an oath. The President informed the parties that the Judges had deliberated yesterday on this issue, and decided to adhere to the second possibility and according to the criteria set out in Internal Rule 24.1.

Internal Rule 87.4 request to have document D175/3.43 admitted into evidence

The KHIEU Samphan Defence argued that there should be an Internal Rule 87.4 request to admit D175/3.43 as evidence, after the Civil Parties Lawyer used the document to question the witness. The Co-Prosecutor stated that they'd make the request. The President responded that, since there were no objections by the parties to the document, it would be admitted by the Chamber.

Reclassified

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/9750	D175/3.43	00230600- 00230614; 01222001- 01222011; 01222012- 01222023	Confession of Soh Komry	P	00230610 00230603	01222008 01222005 01222004	01222019 01222016
E3/5216	D125/126	00223890- 00223895; 00225494- 00225499; 00234567- 00234572	Written Record of Interview of SOH Kamrei	P	00223891 00223893 00223894 00223892	00225495 00223897 00225498 00225496	00234568 00234570- 00234571 00234569
E3/9382	D108/43/11	00169557- 00169558	Annex 11: Radio comment on National effort against Vietnamese dated 06 January 1978	P	-	-	-

Other documents (No Change)

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/7690	D125/126.1	00223896; 00223897- 00223899;	Annex1: Extract of "The Cham Rebellion, Survivors' Stories from the Villages", Ysa Osman,	P	00223896	00223899	00485382

		00485382	Documentation series No. 9, DC-Cam, 2006, page 116 (English)				
E3/9701	E367/4.1.4	01206398- 01206401; 01199557- 01199558	Attachment 4: YSA Osman, 'How many Cham killed important genocide evidence', Phnom Penh Post, 10 March 2006	P	01206400- 01206401	01191557	
E3/2653	D196.2	00904196- 00904430; 00219050- 00219245; 00943973- 00943985	Annex B 0001: YSA Osman, "The Cham Rebellion: Survivors' Stories from the Village", DC-Cam, 2006	P	00904362	00219177	00943975
E3/9517	E319/19.3.86	00982228- 00982236; 00987774- 00987786;	Written Record of Interview of BAN Siek	C	00982231	00987778	
E3/9516	E319/19.3.13	00989336- 00989354; 01075201- 01075219; 01118098- 01118111	Written Record of Interview of ORM Huon	C	00800955	00841966	00841971- 00841972

Oral Orders/Decisions:

- Order authorizing the Accused NUON Chea to follow the proceedings from the holding cell and instructing the AV Unit to connect the AV link to the proceeding (9:04).
- Order to take the Accused NUON Chea and KHIEU Samphan to the Detention Facility and bring them back to court for the Hearing on 7 April 2016 (16:03).

Order for Adjournment of Hearing

The hearing will resume on Thursday, 7 April 2016 at 9:00am.

Phnom Penh, 6 April 2016

Greffier

Sivhoang CHEA

Sivhoang CHEA



Greffier

Syn CAMPOS SANCHEZ

Syn CAMPOS SANCHEZ